## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

GOLD RESERVE INC.,	)
Plaintiff,	)
v. BOLIVARIAN REPUBLIC OF VENEZUELA, Defendant.	) Case No. 22-mc-00453-UNA ) ) ) )
	)

## PLAINTIFF GOLD RESERVE INC.'S MOTION FOR A CONDITIONAL ORDER AUTHORIZING THE ISSUANCE OF A WRIT OF ATTACHMENT FIERI FACIAS

Plaintiff and Judgment Creditor Gold Reserve Inc. ("Plaintiff" or "Gold Reserve") hereby moves pursuant to 28 U.S.C. § 1610(c), and in accordance with Rule 69 of the Federal Rules of Civil Procedure, 10 *Del. C.* § 5031, and 8 *Del. C.* § 324, for an order authorizing the Clerk of the Court to sign, seal, and issue upon satisfaction of certain conditions Gold Reserve's proposed writ of attachment *fieri facias* to Delaware corporation PDV Holding, Inc. ("PDVH") against its shares, which are wholly owned by Petróleos de Venezuela, S.A. ("PDVSA"), alter ego of Defendant and Judgment Debtor Bolivarian Republic of Venezuela ("Venezuela"), and against any other assets or rights that PDVSA may have incident to its ownership of those shares.

Plaintiff and Judgment Creditor Gold Reserve requests that upon evidence that the Office of Foreign Assets Control has either (i) authorized the issuance and service of such a writ or (ii) otherwise removed or modified the relevant sanctions currently prohibiting the transfer of PDVH shares, authorize the Clerk of this Court to affix its original signature and seal on the writ, and issue such writ in aid of Plaintiff's execution of its judgment against Defendant. Plaintiff further requests the Court to authorize the U.S. Marshals Service to serve that writ upon PDVH

upon receipt of the writ pursuant to the above conditions. Finally, Plaintiff requests any such other and further relief as this Court deems just and proper. The grounds for this motion are set forth more fully in the accompanying Memorandum of Law and Declaration of Matthew H. Kirtland.

WHEREFORE, Gold Reserve respectfully requests that this Court enter an order under 28 U.S.C. § 1610(c) authorizing upon satisfaction of certain conditions, (i) the Clerk of the Court to sign, seal, and issue Gold Reserve's proposed writ of attachment fieri facias to Delaware corporation PDVH against the shares of PDVH that belong to PDVSA, as alter ego of Venezuela, along with any other rights or assets incident to that ownership interest that may belong to PDVSA, attached hereto as Exhibit 1, and (ii) a praecipe directing the Clerk of Court to issue the writ of attachment fieri facias to the U.S. Marshal's Service for service on PDVH upon the satisfaction of certain conditions, attached hereto as Exhibit 2.

Dated: October 20, 2022 Wilmington, Delaware

Respectfully submitted,

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